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1 error a defect in the order not timely objected to.”) In any event, the Court finds
2 that the Magistrate Judge’s denial of those motions was not clearly erroneous or
3 contrary to law for the reasons stated in the Magistrate Judge’s June 9, 2010 Order.

4 *See id.*

5 Accordingly, IT IS ORDERED THAT: (1) the Report and Recommendation
6 is approved and adopted; (2) Judgment be entered denying the Petition and
7 dismissing this action with prejudice; and (3) the Clerk serve copies of this Order
8 and the Judgment on the parties.

9 Additionally, for the reasons stated in the Report and Recommendation, the
10 Court finds that Petitioner has not made a substantial showing of the denial of a
11 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
12 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate
13 of appealability.

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15 DATED: July 7, 2011

16 RONALD S.W. LEW

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18 HON. RONALD S.W. LEW
19 SENIOR UNITED STATES DISTRICT JUDGE
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